



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/900,104

07/06/2001

Roy Edward Creek

4409

7590

12/20/2002

Iandiorio & Teska,
260 Bear Hill Road
Waltham, MA 02451-1018

EXAMINER

SHAFER, RICKY D

ART UNIT

PAPER NUMBER

2872

DATE MAILED: 12/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/900,104

Applicant(s)

CREEK

CK

Examiner

R.D. SHAFER

Group Art Unit

2872

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period of Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 months MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 7/6/01
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-7 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-7 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☒ The drawing(s) filed on 7/6/01 is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☒ All ☐ Some* ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Art Unit: 2872

1. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 2-3, the use of the language "which...mirror surface" is vague, indefinite and/or confusing and fails to particularly point out and distinctly claim the subject matter applicant regards as the invention. It is unclear to the examiner what is the required mirror surface. In addition, the above mentioned language lacks proper nexus with respect to the thin film mirror.

In claim 1, line 5, the use of the language "film" is vague, indefinite and/or confusing. The above mentioned language lacks proper nexus with respect to the thin film mirror and/or the required mirror surface. Thus, the metes and bounds of the claim is unclear.

In claim 7, line 1, the use of the language "when" is vague, indefinite and/or confusing. It is clear whether a thin film mirror is produced by the method according to claim 1 or not. The examiner suggests deleting the above mentioned language and changing 'a method' to read --the method--.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2872

3. Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Mulready ('776).

To the extent the claims are definite, Mulready discloses a suction chamber (6a) having edges, a mirror (2a), tensioning means (23), and holding means (16, 20), wherein element (16) holds the tensioning means and element (20) adjusts the holding pressure on the tensioning means. Note figure 3 and the associated description thereof.

4. Claims 1-5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Treisman et al ('776).

To the extent the claims are definite, Treisman discloses a suction chamber (21) having edges, a mirror (10), tensioning means (13), and holding means (18, 24, 25), wherein element (18) holds the tensioning means and element (24, 25) adjusts the holding pressure on the tensioning means. Note figure 1 and the associated description thereof.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pavenick ('159) in view of Mulready ('776).

Art Unit: 2872

To the extent the claims are definite, Pavenick discloses a chamber (34) having edges (42), a mirror (12), tensioning means (46), and holding means (48). Note figure 7 and the associated description thereof, except for explicitly stating that the chamber is a suction chamber.

Mulready teaches it is well known use a vacuum and/or pumping device in the same field of endeavor for the purpose of shaping a mirror.

Therefore, it would have been obvious and/or within the level of one of ordinary skill in the art at the time the invention was made to modify the air pressure device (44) of Pavenick to include a vacuum device, as is commonly used and employed in the mirror art as taught by Mulready, in order to obtain a concave shaped mirror .

7. The drawings are objected to because figures 1 and 2 should be labeled "PRIOR ART". A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

8. Any inquiry concerning this communication should be directed to R.D. Shafer at telephone number (703) 308-4813.

RDS

December 12, 2002

Rick D. Shafer
RICK D. SHAFER
PATENT ATTORNEY
ART UNIT 2872